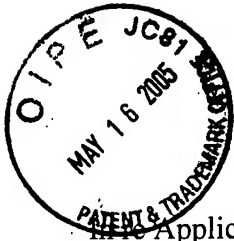


JPW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Alice H. Howe

**TENNIS RACQUET EQUIPPED WITH
A TENNIS BALL RETRIEVER**

Docket No.: MPH 03-13

) Application No: 10/635,873
)
) Examiner: Raleigh Chiu
) Filing Date: 08/05/2003
)
) Art Unit: 3711

Date: May 12, 2005

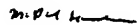
Mail Stop Non-Fee Amendments
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith to the United States Patent and Trademark Office are the following:

1. Transmittal letter;
2. Response to Office Action;
3. Certificate of Mailing Date;
4. Self-addressed postcard for return acknowledging receipt of all of the above.

Respectfully submitted,



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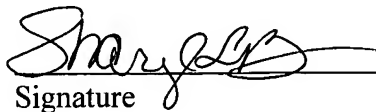
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CERTIFICATE OF MAILING

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on May 12, 2005, in an envelope with sufficient postage as first class mail addressed to: Mail Stop Non-Fee Amendments, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Signature

Sharyl L. Breu
Typed or printed name



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Mail Stop Amendment
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RESPONSE

This communication is in response to Office Action Paper No./Mail Date 02192005.

This application is a continuing application of parent application serial No. 09/655,743 within which the more narrowly defined claims of this application were deemed allowable in the decision of the Patent and Trademark Board of Appeals of Case No. 2004-2020. The Board of Appeals reversed the Examiner in toto on grounds essentially identical to those involved in the 35USC103(a) rejections of this Office Action except for the newly cited secondary reference of U.S. Patent No. 6,401,997 to Smerdon Jr.

The appealed claims in the parent application were deemed allowable, patentably distinct over essentially the same 35USC103(a) rejection, involving the same references, by the same Examining Attorney in the decision of the Board of Appeals except that the appealed claims were broader in scope than the currently rejected claims of this application. The salient issue of the current 35USC103(a) rejections hinges upon whether or not this newly cited Smerdon patent provides the necessary 35USC103(a) teachings so as to cure the prior art defects as astutely noted